

IN RE: PETITION FOR ADMIN. VARIANCE  
E/S Bryanstone Road, 410' S  
of Staley Court  
(327 Bryanstone Road)  
3rd Election District  
4th Councilmanic District  
Charles L. Lamoreaux, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-148-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Charles L. and Maureen Lamoreaux. The Petitioners request relief from Section 1802.3C.1 and 301.1(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the minimum required 10 feet for a proposed carport, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of December, 1992 that the Petition for Administrative Variance requesting relief from Sections 1802.3C.1 and 301.1(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the minimum required 10 feet for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) At no time shall the proposed carport be enclosed. Said carport shall remain open on the three exposed sides.
- 3) Petitioners shall install proper rainspouts and gutters to insure that all water runoff from the subject carport shall be diverted towards Bryanstone Road and away from any adjoining properties.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
410 Washington Avenue  
Towson, MD 21204

December 15, 1992

(410) 887-4386

Mr. & Mrs. Charles L. Lamoreaux  
327 Bryanstone Road  
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
E/S Bryanstone Road, 410' S of Staley Court  
(327 Bryanstone Road)  
3rd Election District - 4th Councilmanic District  
Charles L. Lamoreaux, et ux - Petitioners  
Case No. 93-148-A

Dear Mr. & Mrs. Lamoreaux:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

*file*

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 327 Bryanstone Rd  
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3C.1 and 301.1 (a) to permit zero ft. (0') side yard setback for attached carport in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)  
Charles L. Lamoreaux  
*Charles L. Lamoreaux*  
Maureen Lamoreaux  
*Maureen Lamoreaux*  
327 Bryanstone Rd 526-7190  
Reisterstown, MD 21136  
Brian D. Bennett Sr.  
212 Oak Ave 653-1932

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, that a Public Hearing be held on the subject matter of this petition at the time and place set forth below. The hearing shall be held at the Office of the Zoning Commissioner, Baltimore County, at the time and place set forth below.

REVIEWED BY: *Reg. T.* DATE: *10/16/92*  
ESTIMATED POSTING DATE: *11/15/92*

ITEM #: *148*

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at: 327 Bryanstone Rd  
Reisterstown Md 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The applicant is physically disabled and needs carport for protection from inclement weather to enter & exit from automobile using wheel chair lift as shown on site plan.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Charles L. Lamoreaux*  
Charles L. Lamoreaux  
*Maureen Lamoreaux*  
Maureen Lamoreaux

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:  
I HEREBY CERTIFY, this 24th day of OCTOBER, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
CHARLES L. LAMOREAUX MAUREEN LAMOREAUX

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

*David D. Shroy*  
DAVID D. SHROY  
Notary Public

My Commission Expires: September 18, 1994

October 22, 1992

Zoning Description For 327 Bryanstone road, Reisterstown, MD 21136

Beginning at a point on the east side of Bryanstone road which is fifty feet wide at the distance of four hundred feet south of the centerline of the nearest intersecting street Staley Court which is fifty feet wide. Being Lot # 37, Block M, Section 4 in the subdivision of Suburbia as recorded in Baltimore County Plat Book # 30, Folio # 83, containing eight thousand two hundred eighty seven square feet. Also known as 327 Bryanstone Road and located in the fourth Election District.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 11/24/92  
Posted for: Variance  
Petitioner: Charles L. & Maureen Lamoreaux  
Location of property: 327 Bryanstone Rd, 410' S of Staley Ct  
Location of signs: Posting road way on property of petitioner  
Remarks: None  
Posted by: Matthew Date of return: 11/27/92  
Number of signs: 1

93-148-A  
148

Account R-001-118	Number
DATE	11/24/92
TIME	11:30 AM
BY	Matthew
FOR	Charles L. & Maureen Lamoreaux
LOCATION	327 Bryanstone Rd, 410' S of Staley Ct
REASON	Variance
DATE OF RETURN	11/27/92
NUMBER OF SIGNS	1
POSTAGE	\$5.00
TOTAL	\$5.00

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

NOVEMBER 12, 1992

(410) 887-3353

Charles and Maureen Lamoreaux  
327 Bryanstone Road  
Reisterstown, Maryland 21136

Re: CASE NUMBER: 93-148-A  
LOCATION: E/S Bryanstone Road, 410' S of Staley Court  
327 Bryanstone Road  
3rd Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before November 22, 1992. The closing date is December 7, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

November 25, 1992 (410) 887-3353

Mr. and Mrs. Charles L. Lamoreaux  
327 Bryanstone Road  
Reisterstown, MD 21136

RE: Case No. 93-148-A, Item No. 148  
Petitioner: Charles L. Lamoreaux, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Lamoreaux:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 26th day of October, 1992.

Arnold Jablon  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Charles L. Lamoreaux, et ux  
Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *David A. Ramsey* Date: 11/23/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Charles L. and Maureen Lamoreaux			148	11-16-92 NC
DED DEPRM RP STP TE				
Stephen F. and Christopher S. Jencks			154	Comment
DED DEPRM RP STP TE				
✓ John and Caole Villanova			156	NC
DED DEPRM RP STP TE				
Keys Development Corporation			157	Comment
DED DEPRM RP STP TE				
✓ Steven J. and Beverly A. Timchula			158	NC
DED DEPRM RP STP TE				
✓ Steven M And Deborah S. Faulkner			159	NC
DED DEPRM RP STP TE				
✓ Ralph L. and Elsie M. Hackler			160	NC
DED DEPRM RP STP TE				
✓ Theresa Rykaczewski			161	NC
DED DEPRM RP STP TE				
Jean Romadka			162	NC
DED DEPRM RP STP TE				
Residuary T. of Milton Schwaber - Carroll Independent Fuel			163	Comment
DED DEPRM RP STP TE				
COUNT 10				
Richard M. Dlotte			155	11-9-92
DED DEPRM RP STP TE				

Rec'd 11/23/92

Maryland Department of Transportation  
State Highway Administration

11/10/92

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \*148 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
David A. Ramsey 11/10/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
NOV 19 1992  
ZONING FILE

My telephone number is \_\_\_\_\_  
Tollfree for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 17, 1992

FROM: Ervin Mc Daniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(November 16, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):  
Charles and Maureen Lamoreaux, Item No. 148  
John and Caole Villanova, Item No. 156  
Steven and Beverly Timchula, Item 158  
Theresa Rykaczewski, Item No. 161  
Jean Romadka, Item No. 162

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*  
Division Chief: *Ervin McDaniel*  
EMcd/PM:rdn

148/568.61/ZAC1  
Rec'd 11/23/92

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *David A. Ramsey* Date: 11/23/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Charles L. and Maureen Lamoreaux				11-16-92
DED DEPRM RP STP TE				
Stephen F. and Christopher S. Jencks			154	N/C
DED DEPRM RP STP TE				
✓ John and Caole Villanova			156	N/C
DED DEPRM RP STP TE				
✓ Keys Development Corporation			157	N/C
DED DEPRM RP STP TE				
✓ Steven J. and Beverly A. Timchula			158	N/C
DED DEPRM RP STP TE				
✓ Steven M And Deborah S. Faulkner			159	N/C
DED DEPRM RP STP TE				
✓ Ralph L. and Elsie M. Hackler			160	N/C
DED DEPRM RP STP TE				
✓ Theresa Rykaczewski			161	N/C
DED DEPRM RP STP TE				
✓ Jean Romadka			162	N/C
DED DEPRM RP STP TE				
Residuary T. of Milton Schwaber - Carroll Independent Fuel			163	N/C
DED DEPRM RP STP TE				
COUNT 10				
Baltimore Cnty Landsdowne Vol Fire Dept.			151	11-9-92
DEPRM RP STP TE				
Richard M. Dlotte			155	MT
DED DEPRM RP STP TE				

Rec'd 11/23/92

93-148-A 12-7

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: *David A. Ramsey* Date: 11/24/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Satyr Limited Partnership			115	10-13-92
DEPRM				
✓ Wiseburg United Methodist Church			116	NO COMMENTS
DEPRM				
COUNT 2				
Cheryl Cronin			122	10-19-92
DEPRM RP				
John Henry and Elaine Eleanor Baker			127	WRITTEN COMMENTS
DEPRM RP				
Lewis Brooks Ramsey			128	IN PROCESS
DEPRM RP				
COUNT 3				
Perry Hall Square Partnership			131	10-26-92
DEPRM RP				
Colleen M Kelly and Gary L. Pitts			132	IN PROCESS
DEPRM RP				
COUNT 2				
✓ Charles L. and Maureen Lamoreaux				11-16-92
DED DEPRM RP STP TE				
Stephen F. and Christopher S. Jencks			154	NO COMMENTS
DED DEPRM RP STP TE				
✓ John and Caole Villanova			156	NO COMMENTS
DED DEPRM RP STP TE				

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

NOVEMBER 17, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CHARLES L. LAMOREAUX AND MAUREEN LAMOREAUX  
Location: #327 BRYANSTONE ROAD  
Item No.: \*148(RT) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

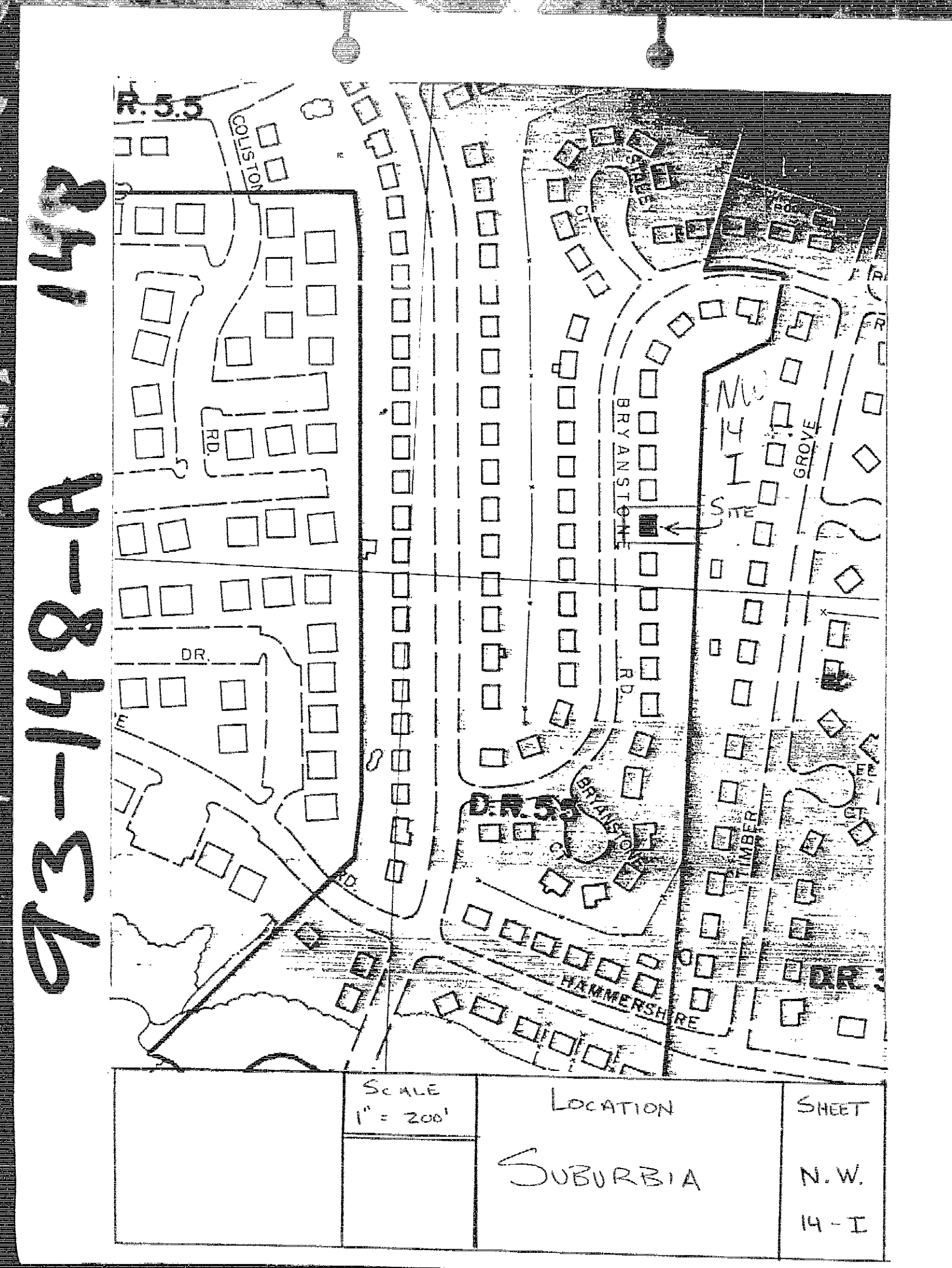
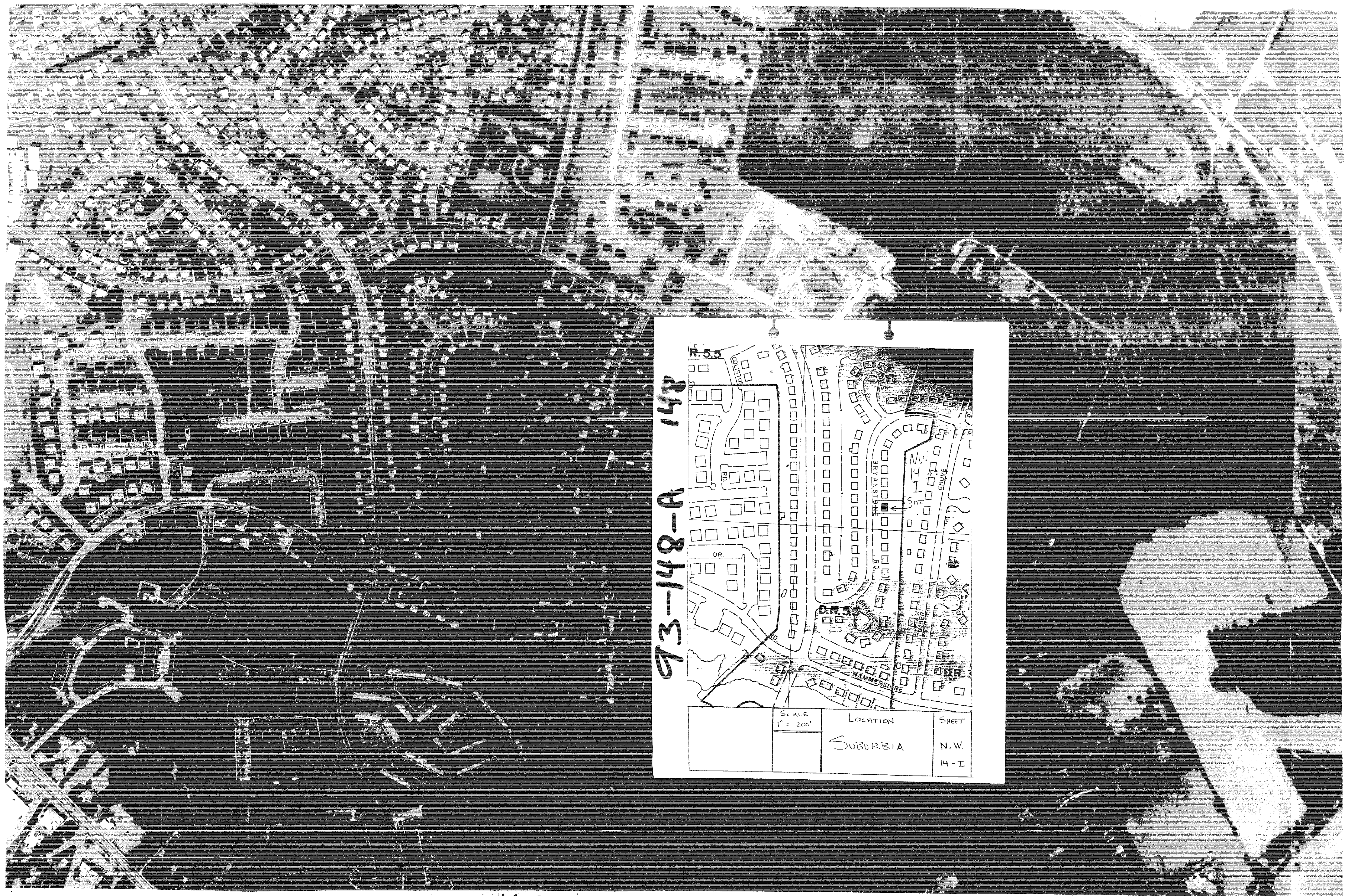
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl Jerry F. Jones*  
Planning Group  
Special Inspection Division

JP/REK





93-148-A 148 BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE 1" = 200' ±	LOCATION DELIGHT GWYNNBROOK	SHEET N.W. 14-I
DATE OF PHOTOGRAPHY JANUARY 1986		